

**Before the
Federal Communications Commission
Washington, DC 20544**

In the Matter of)	
)	
)	WT Docket No. 04-140
Amendment of Part 97)	
of the Commission's Rules)	
Governing Amateur Radio Services)	

**COMMENTS REGARDING
NOTICE OF PROPOSED RULEMANING AND ORDER (NPRM)
Submitted By
The Greater Dayton Area Hospital Association
32 N. Main St., Suite 1441
Dayton, OH 45402
June 2, 2004**

INTRODUCTION

The Greater Dayton Area Hospital Association (GDAHA) represents 18 hospitals and health systems in the greater Dayton area. GDAHA works with its members to improve the delivery of health care services in this region. GDAHA offers value-added services that help members improve operating efficiency and maintain quality standards.

In response to the increased threats to the security of the United States, GDAHA has been working with the federal Departments of Health and Human Services and Homeland Security and the Ohio Department of Health to develop programs of Domestic Preparedness for its member hospitals. A major component of this planning has been in the area of communications and communication interoperability. To this end, GDAHA has prepared a multi-layered communication plan to insure the continuation of critical and life-safety communication between hospitals, healthcare agencies, local, state and federal health officials and public safety officials in the event of a disaster, man-made or natural, that disrupts the normal channels of communication. The communication plan includes redundancy options that calls on the use of commercial public-safety radio systems as a hot-standby to traditional telephone systems, and uses amateur radio operators as a backup system. The development of the plan was facilitated by involvement of local amateur radio operators, many of whom are employees of the member hospitals, as well as public safety radio experts.

It became apparent to the planners that a number of the member hospitals had employees who were licensed amateur radio operators. These amateur radio operator/employees expressed an interest in being able to serve their institution by providing communications support. In researching to see if these employees could be relieved of normal duties, in

the event of a disaster, and placed in positions where they could use their amateur radio expertise to maintain critical healthcare communication, the planners found that current FCC rules stand in the way. (Part 97.113, which prohibits, “(3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer. ...”). When life-threatening emergencies occur, having rapid communication capability available immediately is of the highest importance. Not being able to utilize the services of employee/amateur radio operators who are on-site and readily available, could impair this process of maintaining communication structures.

Therefore, we would like to request the Federal Communications Commission actively consider revising the rules governing the amateur radio service to make such changes necessary in Part 97.113 to allow employee/amateur radio operators of hospitals and healthcare agencies, both non-governmental and governmental, to be permitted to operated amateur radio equipment at their place of employment during times of declared emergency or disaster, and only for the mission of providing life-saving, critical healthcare communication.

Further, we support the following comments and recommendation made by Nelson DiGennaro, WB8VUU, of Huber Heights, OH, who in his comments submitted on May 9, 2004 to the Commission, via the ECFS stated:

There exists an issue that is an impediment to the utilization of amateur radio in effectively and efficiently providing essential emergency communications for hospitals and healthcare organizations. This issue revolves around a fundamental limitation on the amateur radio service expressed in 97.113, “Prohibited transmissions”:

“(3) Communications in which the station licensee or control operator has a pecuniary interest, including communications on behalf of an employer. ...”

Throughout the area where the amateur service is regulated by the Commission Emergency Management Agencies, Public Safety departments (Police/Fire/Medical), and non-governmental entities such as hospitals, ARC, Salvation Army, etc. are fortunate to have among their management/leadership and employees licensed amateur radio operators. These individuals are valued not only for their work on behalf of their employers but also for their voluntary contributions to the communities in which they live and work. Amateur licensees employed by governmental and non-government entities that are directly involved in facilitating relief and recovery in times of a disaster are able to greatly enhance these efforts. Many are assigned to participate in planning, training, and exercise functions by their employers because of the skills and knowledge attained by being an amateur radio operator. However they are restricted from actually participating in these activities during the very times their knowledge and skills are needed to bridge the gap between their employer and the amateur community providing essential communications to facilitate relief.

Currently within the Commissions Rules there are two exemptions to this limitation described in 97.113 (c) & (d) for school teachers who teach amateur radio classes to their students and control operators transmitting telegraphy practice and information bulletins. While these exceptions are notable and necessary, they are secondary, if not on par, with the first expressed “basis and purpose” of the amateur radio service (97.1):

“(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.”

With all that said, it seems inconsistent that an exemption is not also extend to amateur stations, while under employment, and operating in emergency situations consistent with authorized transmissions defined in 97.111 (a):

“(2) Transmissions necessary to meet essential communications needs and to facilitate relief actions;”

“(3) Transmissions necessary to exchange messages with a station in another FCC-regulated service while providing emergency communications;”

“(4) Transmissions necessary to exchange with a United States government station, necessary to providing communications in RACES; and ”

“(5) Transmissions necessary to exchange messages with a station in a service not regulated by the FCC. An amateur station may exchange messages with a participating United States military station during an Armed Forces Day Communications Test.”

In considering this issue it is apparent that there are at least two interwoven aspects that would be of concern to the Commission. First, is the preservation of the characteristics, basis and purpose of amateur radio as a “noncommercial communication service”. Secondly, that the amateur radio service not be utilized, on a regular basis, for purposes for which other radio services regulated by the Commission have been established. On the first point, it would seem that it would be in the best interests of the public for entities and employees thereof, governmental and non-governmental alike, that are directly engaged in emergency response to utilized amateur radio, as planned, to meet essential communications needs and to facilitate relief actions. Currently, emergency response functions with licensed amateur radio operators as employees are prohibited from enhancing the value of amateur radio by effective integration into the execution of their assigned responsibilities during times of extraordinary circumstances. For example hospital employees, normally assigned to staff or supporting functions (not associated directly with patient care) are locked out of utilizing their knowledge of medical system operations with their amateur radio skills during times of disaster. On the second point, I believe that careful regulatory guidelines can be established to mitigate this concern by limiting the circumstances of operations to other than day-to-day operations.

RECOMMENDATION

This commenter believes the public interests would be better served by revising the Commissions Rules to minimize limitations imposed on an amateur station operating during non-wartime civil emergencies. The following addition is recommended to Part 97.113:

“(g) A control operator may accept compensation for the periods of time the station is transmitting messages directly related to that authorized in Part 97.111(a) (2) through (5) of this Chapter when a local, regional or national emergency exists having been declared as such by an duly appointed civil defense or civil preparedness authority operating under the authority of Federal and/or State statute. The authority shall notify the Commission’s District Director upon commencement and conclusion of amateur operations for these periods.”

From: Comment on WT Docket No. 04-140
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May 9, 2004

Thank you for your consideration of this recommendation.

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